

- C000 General Information
- C030 Nonmailable Written, Printed, and Graphic Matter

## C032 Sexually Oriented Advertisements

032

**Summary** C032 describes the standards involving the mailing of sexually oriented advertisements.

### 1.0 BASIC INFORMATION

**Legal Means** Section 3010 of Title 39 USC provides members of the public with a means to protect themselves and their minor children from receiving unsolicited sexually oriented advertisements through the mail. This section permits any person served by the USPS to file with the USPS a statement that he or she does not want to receive such advertisements through the mail. Any mailer who sends that person an unsolicited sexually oriented advertisement more than 30 days after the date when the USPS adds that person's name to its reference list of those who want this protection may be subject to civil and criminal sanctions, under 39 USC 3011 and in 18 USC 1735-37.

1.1

**Definition** 39 USC 3010(d) defines *sexually oriented advertisement* as "any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing." It also provides that "material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters."

1.2

**Mailer Responsibility** The responsibility for ensuring that no unsolicited sexually oriented advertisement is sent through the mail to any person in violation of section 3010 is placed by that section on the mailer of such advertisements. No USPS regulations may be used to place this responsibility on the USPS.

1.3

### 2.0 APPLYING FOR LISTING

**USPS Form** A person may invoke the protection of section 3010 by completing and filing, with any postmaster or designated USPS representative, Form 1500, available at post offices.

2.1

**Authorized Filers** A person may file in his or her own behalf and in behalf of any of that person's children under the age of 19 years who reside with that person or are under his or her care, custody, or supervision. An authorized officer, agent, fiduciary, surviving spouse, or other representative, may file in behalf of a corporation, firm, association, estate, or deceased or incompetent addressee.

2.2

**Five-Year Retention on List** A person's name and address are kept on the list for 5 years, unless a request for revocation is filed sooner by that person. A person must file a new application at the end of the 5-year period to keep his or her name on the list. The names and addresses of minor children are removed from the list after the 5-year period or when they reach 19 years of age, whichever comes first. A minor must file an original application in his or her own behalf if the minor wants his or her name to remain on the list after reaching 19 years of age.

2.3

**Applications for  
Different Addresses**

2.4

The filing of a single application results in the listing of a single address for the person filing. A person who moves must file a new Form 1500 to receive the protection of section 3010 at his or her new address. Form 3575 may not be used for this purpose.

**Using Listed  
Addresses**

2.5

It is not a violation of section 3010 to mail a sexually oriented advertisement to a person at an address other than that which is shown for that person on the list. It is a violation to mail such an advertisement to that person at the address shown for that person even though he or she has moved from that address.

**3.0 REMOVAL FROM LIST****Removal**

3.1

A person, at any time, may request the removal of his or her name and address, or that of one or more of his or her minor children, from the list by notifying the manager of the Prohibitory Order Processing Center (POPC) (see [G043](#) for address).

**Receipt After  
Removal**

3.2

It is not evidence of a violation of section 3010 if a person (or that person's minor child) receives a sexually oriented advertisement in the mail on or after the date he or she requests the removal of his or her name from the list or his or her minor child's name.

**4.0 AVAILABILITY OF USPS LISTS****General**

4.1

Copies of the list and/or periodic amendments to the list are available to any person paying the annual service fee. The list is provided on a CD-ROM. Information about or requests for the list must be submitted to the manager of the Prohibitory Order Processing Center (see [G043](#) for address). A certified or cashier's check made payable to the USPS must be received in payment before the list is provided to the buyer. More information on CD-ROM format can be obtained from the manager.

**Annual Service Fee**

4.2

The annual service fee is determined by dividing the number of buyers for the previous calendar year into the total cost to the USPS of compiling, processing, printing, and distributing the list.

**Using Lists**

4.3

This list may be used by a mailer only to protect persons whose names appear on it from receiving unwanted sexually oriented advertisements through the mail. No person, including a subscriber to the list, may use the list for any other purpose, and no person may sell, lease, rent, lend, exchange, or license another to use this list for any other purpose, including its use by another to remove names from a list of persons to whom sexually oriented advertisements are to be sent. No person may use the list or a copy of the list for preparing mailings or other lists for sale, lease, rent, loan, exchange, or use by another. Violators are subject to criminal prosecution.

**5.0 ENVELOPE MARKING**

Section 3010(a) authorizes and directs the USPS to provide a mark or notice that must be placed on the envelope or cover of any sexually oriented advertisement sent through the mail, with the sender's name and address. The following provisions implement this authority and direction:

- a. Any person who mails or causes to be mailed any sexually oriented advertisement must place in the upper left corner of the exterior face of the mailpiece, whereon appear the address designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right portion

below the postage stamp, or indicia thereof, and above the addressee designation, there must be placed "Sexually Oriented Ad." The words "Sexually Oriented Ad," however, need not be placed on the exterior envelope or cover of a mailpiece containing such an advertisement, if the contents of the mailpiece are enclosed in a sealed envelope or cover, inside the exterior envelope or cover, and the sealed envelope or cover bears conspicuously the words "Sexually Oriented Ad."

- b. The name and address of the sender and the required legend, if it is placed on the exterior face of the mailpiece, must be printed in a type size no smaller than that used for any other word on the envelope or other cover, and never smaller than 12-point type. Such type must be no less conspicuous than the boldest type used to print other words on the exterior face of the mailpiece.
- c. The contrast between the background and printing of the sender's name and address and the contrast between the background and the printing of the required notice must be no less than the contrast between the background and printing of any other word on the envelope or other wrapper.
- d. A clear space no less than 1/4 inch wide must surround the sender's name and address and the required notice, separating each from any other matter on the same envelope or cover.

## 6.0 VIOLATIONS

### Partial Listing

6.1

This is a partial list of conduct that may violate 39 USC 3010 or 18 USC 1735:

- a. The mailing of a sexually oriented advertisement in an envelope or other wrapper that does not bear the name and address of the sender and the legend "Sexually Oriented Ad," under [5.0](#).
- b. The mailing directly or indirectly of a sexually oriented advertisement to a person whose name and address are on the list for more than 30 days.
- c. The sale, loan, lease, or licensing of the use of the list or a copy thereof in whole or in part.
- d. The use of the list or a copy of it in whole or in part for any purpose other than to ensure that no mailings of sexually oriented advertisements are made to persons on the list.

### Complying With Law

6.2

A person who mails sexually oriented advertisements only to persons who request to receive them does not violate the statute or regulations, if otherwise in compliance with the law whether buying and using the USPS list.

### Reporting Unsolicited Advertisements

6.3

Anyone who wants to report receipt of an unsolicited sexually oriented advertisement after an addressee's name and address are on the list for more than 30 days should submit to any postmaster, or directly to the POPC manager, the entire mailpiece, including the envelope or other wrapper. The piece must have been opened by the addressee. When submitting the piece, the addressee must endorse the envelope or other wrapper and also the inside contents in substance as follows: "I received this mailpiece on [date]," and sign the statement. If received by the postmaster, the piece must be forwarded promptly to the POPC manager. The manager then forwards the piece to the appropriate Inspection Service Field Division Office.

### Inclusion

6.4

A customer wanting to verify inclusion on the list should write to the Prohibitory Order Processing Center (see [G043](#) for address).

**Reporting Unsolicited  
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6.5

Anyone who wants to report receipt of an unsolicited sexually oriented advertisement after an addressee's name and address are on the list for more than 30 days should submit to any postmaster, or directly to the POPC manager, the entire mailpiece, including the envelope or other wrapper. The piece must have been opened by the addressee. When submitting the piece, the addressee must endorse the envelope or other wrapper and also the inside contents in substance as follows: "I received this mailpiece on [date]," and sign the statement. If received by the postmaster, the piece must be sent promptly to the POPC manager. The manager then forwards the piece to the appropriate Inspection Service Field Division Office.